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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

16 ALBERT DYTCH,
17 Plaintiff,
18 v.
19 HOME DEPOT U.S.A., INC., dba HOME
20 DEPOT #627; EAST BAY BRIDGE
RETAIL, LLC;
21 Defendants.

Case No. 4:16:cv-02049-HSG
**STIPULATION TO CONTINUE
HEARING AND BRIEFING
SCHEDULE ON PLAINTIFF'S
MOTION FOR LEAVE TO FILE
AMENDED COMPLAINT; ORDER**
Current Hearing Date: April 6, 2017
Proposed Hearing Date: April 20, 2017
Proposed Opposition Deadline:
March 20, 2017
Proposed Reply Deadline:
March 27, 2017

1 The undersigned parties bring this joint stipulation to respectfully
 2 request that this Court continue the hearing on Plaintiff Albert Dytch's ("Plaintiff")
 3 Motion for Leave to File an Amended Complaint (the "Motion"), presently set for
 4 April 6, 2017, at 2:00 p.m.

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6 Plaintiff and Defendant Home U.S.A., Inc. ("Defendant") represent that
 7 good cause exists for this continuance. On March 10, 2017, the Parties resolved the
 8 action but the Parties are working to finalize the settlement documents. To avoid
 9 prejudicing Plaintiff in his ability to move to amend his complaint should the Parties
 10 not be able to finalize the settlement documents, both counsel for Defendant and
 11 Plaintiff, have agreed to continue the hearing date on Plaintiff's Motion to April 20,
 12 2017. This continuance will allow the Parties time to finalize the settlement
 13 documents without waste the Court's time and resources in evaluating Plaintiff's
 14 Motion which will likely become moot. In light of the proposed change of the
 15 hearing date, the Parties request that the deadline for Defendant to file its opposition
 16 brief be extended to March 20, 2017, and the deadline for Plaintiff's reply brief
 17 extended to March 27, 2017. The change of hearing date and briefing schedule will
 18 not affect the dates currently set in the case.

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20 Plaintiff and Defendant have met and conferred about this issue and
 21 have agreed to continue the hearing date and briefing schedule on the Motion to
 22 April 20, 2017. Both Parties believe that the change in the hearing date will allow
 23 the Parties to focus on fully and finally settling the matter and avoid wasting the
 24 Court's already burdened resources.

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1 WHEREFORE, the parties jointly and respectfully request that this
2 Court continue the hearing date on the Motion from April 6, 2017 to April 20, 2017,
3 and that any opposition be filed by March 20, 2017, with any reply filed by March
4 27, 2017.

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6 IT IS SO STIPULATED.

7 Dated: March 10,, 2017

8 MISSION LAW FIRM, A.P.C.
9

10 By /s/ Tanya E. Moore
11 TANYA E. MOORE
12 Attorney for Plaintiff ALBERT DYTCH

13 Dated: March 10, 2017

14 SHEPPARD, MULLIN, RICHTER &
15 HAMPTON LLP
16

17 By /s/ Hayley S. Grunvald
18 GREGORY F. HURLEY
19 HAYLEY S. GRUNVALD
20 Attorneys for Defendant HOME DEPOT
U.S.A., INC..
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ORDER

The parties having so stipulated and good cause appearing,

IT IS HEREBY ORDERED that the April 6, 2017 hearing on Plaintiff's motion to amend his complaint is continue to April 20, 2017 at 2:00 p.m. Defendant's opposition will be due by March 20, 2017, and Plaintiff's reply will be due by March 27, 2017.

IT IS SO ORDERED.

DATED: March 13, 2017

Haywood S. Gill Jr.

HON. HAYWOOD S. GILLIAM, JR.
UNITED STATES DISTRICT JUDGE